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Crl.M.P.No.1021 of 2024
in Crl.A.No.102 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

Crl.M.P.No.1021 of 2024
in Crl.A.No.102 of 2024

Sugumaran

... Petitioner

Vs.

State rep. by:
The Inspector of Police,
All Women Police Station,
Crime No.21 of 2012
Ginge, Villupuram District.

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389(1) of CrI.P.C. to suspend the sentence of imprisonment imposed in the judgment dated 20.12.2023 made in SC.No.209 of 2020 on the file of the learned Sessions Judge, Magalir Neethi Mandram, Mahila Court No.I, Villupuram and enlarge the petitioner on bail pending disposal of the above Criminal Appeal before this Court.

For Petitioner	:	Mr.M.Ajmal Khan, Senior Counsel for M/s.Shahul Hameed
For Respondent	:	Mr.S.Rajakumar Additional Public Prosecutor



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner in SC.No.209 of 2020 dated 20.12.2023 by the learned Sessions Judge, Magalir Neethimandram, Mahila Court No.I, Villupuram and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner has been convicted by the Trial Court in S.C.No.209 of 2020 for the offence under Sections 417 and sentenced to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.1,000/- and for the offence under Section 376 sentenced to undergo Rigorous imprisonment for 10 years and to pay a fine of Rs.10,000/-. Challenging the same, the present appeal and suspension of sentence have been filed.

3. The case of the prosecution is that the victim girl lodged a complaint against the petitioner and his parents, wherein it is stated that she along with the petitioner were working in a Factory at Chennai. Later, when she came to know that the petitioner hails from the same Village, their



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relations got strengthened. Whenever the petitioner is in need of money, she used to give her jewels and money. She had given money to the tune of Rs.35,000/-. They continued the relationship for 7 years. Subsequently, when the victim came to know that the petitioner was making arrangement for marrying another girl, she filed the present complaint.

4. During trial, the Prosecution examined 15 witnesses and marked 14 exhibits and no material objects were marked. On the side of defence, no witnesses were examined and no documents were marked. On conclusion of the trial, the Trial Court on the evidence of witnesses and the materials produced, had convicted the petitioner as stated above. The Trial court also found that the petitioner's parents have nothing to do with the relationship between the petitioner and the victim girl and therefore, acquitted them.

5. The learned Senior Counsel appearing for the petitioner submitted that the victim is an educated girl. The petitioner and the victim girl had relationship for more than 7 years and during that period, they had consensual sexual relationship. Due to some misunderstanding, their



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marriage had not taken place and hence, she lodged a complaint against the petitioner and his parents. Later, the victim realising her mistake, at the time of further examination deposed that she now got married to another man and got a girl child and she is also pregnant with another child. She further deposed that only on compulsion, she lodged a complaint against the petitioner and 164 statement was also given only on force. Hence, she was declared hostile. He further submitted that in this case, other witnesses are hearsay witnesses, who knew about their relation only through the victim. A2 and A3 were acquitted by the Court below and no appeal has been preferred against them.

6. Considering the submissions and the materials available on record, it is seen that the petitioner and the victim PW1 had relationship for more than 7 years and during this period, she had given jewels and also some money when the petitioner was in need. They also had physical relationship, which is consensual in nature. Due to some reasons, the marriage could not happen between them and hence a case has been registered against the petitioner. Later, the victim girl realising her mistake deposed that she



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lodge the complaint only by force.

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7. In view of the above statements of the victim girl and taking note of the fact that there are arguable points involved in this revision and it would take some time for the revision to be taken up for final hearing, this Court is inclined to suspend the sentence imposed on the petitioner.

8. Accordingly, the relief of suspension of sentence and bail are granted on the following conditions till the disposal of the above Criminal revision:

(a) The petitioner/accused is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethi Mandram, Mahila Court No.I, Villupuram.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhaar



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Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the revision and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence as directed by the Trial Court.

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

07.03.2024
(2/2)

pvs



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To

1. The Sessions Judge, Magalir Neethi Mandram,
Mahila Court No.I, Villupuram
2. The Inspector of Police,
All Women Police Station,
Ginge,
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.

Copy to

The Central Prison, Cuddalore



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M. NIRMAL KUMAR., J.

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